

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	NO.: 17-cr-00630 (ER)
- v. -)	NOTICE OF MOTION TO
)	DISMISS FOR INSUFFICIENCY
)	OF INDICTMENT
MARK S. SCOTT,)	
)	ECF CASE
Defendant.)	
)	

PLEASE TAKE NOTICE THAT, upon the declaration of David Garvin, dated May 14, 2019, and upon the accompanying memorandum of law, the Defendant Mark S. Scott will move this Court before the Honorable Edgardo Ramos, United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 619, New York, New York 10007, at a time to be determined by the Court, for an order dismissing the indictment for failure to provide notice required by the Fifth and Sixth Amendments to the United States Constitution and Rule 7 of the Federal Rules of Criminal Procedure, and for such other relief as the Court may deem to be just and proper.

Dated: May 14, 2019

Respectfully submitted,

/s/ David M. Garvin

David M. Garvin
Counsel for Defendant, Mark S. Scott
DAVID M. GARVIN, P.A.
200 South Biscayne Boulevard
Suite 3150
Miami, Florida 33131
Tel: (305) 371-8101
Fax: (305) 371-8848
Email: ontrial2@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2019, I electronically filed Defendant's NOTICE OF MOTION TO DISMISS with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the parties in this case:

Christopher Joseph DiMase, AUSA;

Julieta Veronica Lozano, AUSA

Nicholas Folly, AUSA

James Nobles, Esq.

/s/ David M. Garvin

David M. Garvin, Esq.

Counsel for Defendant, Mark S. Scott

DAVID M. GARVIN, P.A.

200 South Biscayne Boulevard

Suite 3150

Miami, Florida 33131

Tel: (305) 371-8101

Fax: (305) 371-8848

Email: ontrial2@gmail.com